

Rebecca Messinger

OCT. No CC'd: Oliver Orjiako
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From: Kathleen Otto
Sent: Friday, October 16, 2020 7:21 AM
To: Tina Redline; Rebecca Messinger
Subject: FW: 2-16-16 councilor hearing # 3 - FOR THE PUBLIC RECORD



Kathleen Otto
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From: Carol Levanen <cccuinc@yahoo.com>
Sent: Friday, October 16, 2020 1:06 AM
To: Eileen Quiring O'Brien <Eileen.QuiringOBrien@clark.wa.gov>; Gary Medvigy <Gary.Medvigy@clark.wa.gov>; John Blom <John.Blom@clark.wa.gov>; Julie Olson <Julie.Olson2@clark.wa.gov>; Temple Lentz <Temple.Lentz@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>
Subject: Fw: 2-16-16 councilor hearing # 3 - FOR THE PUBLIC RECORD

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Dear Councilors,

★ Corrections to the text are in order in CCCU's comments regarding page 60 in this email. It should read, *"No where in the GMA does it say to determine such lands by using CTED recommendations....."*

This brings to mind how staff ignored CTED recommendations (guidelines) in 1994. While Agri-forest was reconsidered, staff again ignored CTED recommendations. But, now in 2020, staff is telling the councilors that only the Department of Commerce Guidelines are to be used for the VBLM Report. CCCU believes that is because planners from Clark County and Vancouver helped to write the 2018 updated version of the recommendations, which left out rural. Rural was a critical element and impetus to create new GMA law and the Commerce guidelines. The VBLM was to be a county wide study and determination for both rural and urban. The law does not say that only Vancouver is to be considered and benefit from the exercise.

At the final virtual meeting, ECONorthwest team alluded to the fact that different information from staff would have resulted in a different outcome in the report. The same was true for the Thorpe Report, which was used to repeal Alternative 4. \$150,000 of tax dollars were wasted on a report

outcome that staff wanted, and not on an open process that reflected precise data collection. This is not acceptable and the councilors should reject such a flawed report. It needs to be done over again, and include rural in the equation.

Sincerely,

Carol Levanen, Exec. Secretary

Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

FOR THE PUBLIC RECORD

Dear Councilors,

Clark County Citizens United, Inc. is aware of the extensive research and work that went into Alternative 4, in the former 2016 Clark County Comprehensive Plan, prior to the repeal of that alternative. CCCU continues to believe that Alt 4 was a fair and balanced approach to meeting the Vacant Buildable Lands housing goals of the Growth Management Act under RCW 36.70A.215. That said, a review was performed of the 2004-2007 Comprehensive Plan DEIS and the February 16, 2016 and February 23, 2016 councilor hearings, along with documents and maps. In addition, CCCU email #1 describes what county planners did to determine all resource land in Clark County via an attached 1993 MetaData document. In CCCU email #2, the Council will find two attached rural VBLM documents. The following are those findings along with CCCU comments.

The August 25, 2006, Draft Environmental Impact Statement for the 2004-2007 Comprehensive Plan states on page 1 of the **Summary**. *"The county adopted its first comprehensive plan in 1994 and completed its first comprehensive plan update in 2004. The EIS for the Comprehensive Growth Management Plan for Clark Country (2003) is incorporated by reference in this DEIS.*

CCCU: The county created their first comprehensive plan in the 1960s and continuously updated it from that time until the Growth Management Act and the 1994 Comprehensive Plan. At that time, the prior Plan was replaced by a highly regulatory Plan, which downzoned much of the county into large lot zoning. CCCU notes in the old Plans landowners were assured no changes would occur to zoning, parcels would be recognized as legal and their property rights would be protected. There was extensive information regarding prime, good and poor soils and why soil classifications greater than Class III was not useful for resource land.

Page 2 of the DEIS states, *"The Board of County Commissioners (Board) adopted the first update to the 1994 comprehensive plan in 2004. **This is the plan that is currently in effect.** The 2004 plan was challenged on a number of grounds. The Board subsequently decided to **revisit several of the assumptions** made in the 2004 plan, resulting in a proposal to again expand the urban growth boundaries to include enough land to accommodate 20 years of projected job and population growth."*

CCCU: Staff continuously claim that nothing has changed in the Comprehensive Plan, since the first GMA Plan in 1994, but that is false. It was not the Board that decided to change the assumptions, it was staff that proposed it. Instead of decreasing the large lot zoning in the rural areas, staff proposed increasing the urban growth boundaries, which almost doubled the city of Vancouver.

*"Between May 2005 and March 2006 staff and the Board received input from the cities...about how and where to add land to the cities urban growth areas (UGAs). From this input the BOCC did three things. First, the **Board developed a list of principles** and values to help guide development in the next 20 years. Some of these relate to where land should develop and some relate to how land should develop (see pages 24-25 for a summary of principles and values). Next the **Board developed a set of planning assumptions** to be used in analyzing the effects of expanding UGAs for the various alternatives. The planning assumptions have to do with growth rate, and population, and jobs per acre, and are listed below. ..."*

CCCU: The Board did not develop a list of principles or a set of planning assumptions. It was staff and GIS that developed those concepts, to create data that justified the urban growth increases.

*"A total population of **584,310 by 2024** from an annual growth rate of **2.0 percent with 2.2 percent** assumed in 2004-2010 for capital facilities planning purposes (2004 Plan: annual rate of **1.67**) Population **growth of 192,635**; 90 percent of the population would live in urban areas; 10 percent in rural areas."*

CCCU: The courts have clearly said that Clark County cannot "put a cap on rural growth" but that is what is happening when 90 percent population is dictated for urban areas and 10 percent dictated for rural areas, despite the actual rural growth of 13 percent at the time. The GMA separates rural from resource when it says preserve long term resource land and allow rural land. But this county combines them as if they were one. Resource land should be considered differently.

*"A residential market factor of 10 percent; no market factor for commercial, industrial or business park (2004 Plan: 25 percent for business park and commercial; 50 percent for industrial) **2.59 persons per household** (2004 Plan: **2.69 pph**)"*

Page 3 states, *"Infrastructure factor of 27.5 percent for residential development and 25 percent for industrial and commercial development. **No expansion of Yacolt and Woodland UGAs.**- Lastly, the **Board developed the alternatives** that are the focus of the DEIS process. There are three alternatives considered in the DEIS....."*

CCCU: The Board did not develop any of these actions. The staff developed all of them and directed them to the Board for approval.

*"All of the alternatives assume the same **2 percent rate of growth** of population and employment. In the next 20 years it is expected that about **192,000 more people** would live in Clark County (for a total population of about **584,000**. It is assumed that 90 percent of these (About **173,000**) would settle in urban areas, with the remaining 10 percent moving to rural areas. This would require about **67,000 new dwelling units** in urban area and the need for about **138,000 new jobs**".*

CCCU: The growth rate is consistent with decades of data regarding the 2 percent. Yet, in the 2016 that growth rate was decreased. There is no mention as to how many new dwelling units would be required for the rural area.

Page 4, ... *"The other **19,000 people** would be **accommodated** in rural areas.....As noted earlier, it is up to the counties to determine the demand for industrial and commercial land to **meet employment targets or projected jobs**. The BOCC decided on a goal of **1:1.39 new jobs** to new population ratio, **including rural population**. This results in a target of **138,312 jobs** by **2024**. "*

CCCU: It is an interesting choice of words when staff claims they would *accommodate* people in the rural area. The GMA states the rural area must be allowed, and prime resource land must be designated. Staff has no other choice. Here we see staff including the rural population to the urban population count, but there is no mention about what the jobs target is for rural employment.

Page 24 What are the Principles and Values that will guide the new plan?

...."the BOCC identified numerous principles and values...."

CCCU: The Board did not identify numerous principles and values, staff did that. Those principles and values were already determined in the Framework Plan that was established in 1994, which was to be the guiding document for future policies.

Page 25 * Minimize the conversion of productive farmland - those lands which have long term commercial agriculture viability. Balance goals such as **economic development against agricultural land**.

- **Maximize the potential for the county's railroad as a job-creating asset.**

CCCU: The GMA mandates prime agriculture land is to be preserved for that purpose. It was not intended to be preserved as open space until development occurred. Staff appears to not consider prime ag land as an "economic" entity, and pits agricultural uses against development. The goal of maximizing the railroad for jobs, has been ignored by staff, in favor of trails, which have little economic benefit.

Page 60 *"The GMA requires local jurisdictions to **identify and protect** agriculture and timber land of **long term commercial significance**... The Washington State Department of Community and Economic Development (CTED) **recommends** using the soil classification system developed by the Natural Resource Conservation Service (NRCS) **and establishing larger minimum lot sizes** to ensure the commercial viability of resource industries. The most recent comprehensive soil survey of Clark County was completed by the NRCS in 1972. Since soil does not change rapidly, information from the 1972 survey can still be considered reliable."*

CCCU: The GMA requires identifying long term commercial resource land, and CTED is not in the equation. The GMA also dictates the way to determine such land is to use the NRCS soil survey, first, to determine prime soil, and then consider approximately 10 other criteria to determine if the land has long term significance. The GMA does it say to determine such lands by using CTED recommendations and the GMA does not dictate using larger minimum lot sizes.

Page 61 *“Under the GMA, resource lands designated for agriculture, forest or mineral resource uses **are not to be included within UGAs**. They are, by definition, inconsistent with urban development. The size of the UGA would therefore affect the amount of prime agricultural and forest soils that are preserved.”*

CCCU: Clark County consistently uses, what they call agriculture land, for inclusion in the UGA. How they do this is to show the land doesn't have prime soil and is not being farmed. What is being done is to find large parcels of land and lock them up into open space under the guise of “agricultural land”, until development. Staff clearly admits in this passage that prime resource land soils must be manipulated to meet UGA goals.

Page 62 (Alternative 2) *Under this alternative, **51,856 acres** would have **prime agricultural soils (6,385 more acres than Alternative 1)** while **38,604 acres** would have **prime forest soils (7,184 acres more than Alternative 1)**.....Alternative 2 would leave **82,311 acres of prime agricultural soils** and **175,618 acres of prime forest soils** in the rural areas, **compared to Alternative 1**, which assumes that the existing amount of prime agricultural and forest soils in rural areas **would remain unchanged**.*

CCCU: The GMA mandates the county designate prime resource land using the NRCS soil survey to determine prime soils within those designations. As staff states, soil doesn't change. When the county first designated these soils in 1994, those acres are set. But we see that prime resource land acres change by thousands of acres, when staff determines changes to the land, regardless of the GMA soil mandates. The number of acres in resource land should remain the same, regardless of what alternative is being considered. But we see here that they do not.

Page 147 *“Increases in population would occur in urban and rural areas (outside of proposed UGAs). Between 2000 and 2004, about **13 percent** of the new housing development occurred in rural areas within the county. **This percentage of development is expected to continue** independent of the alternative chose.”*

CCCU: In this passage, rural growth was at 13 percent and not expected to change, regardless of the alternative chosen. Yet time and again staff states that only 10 percent of the population will be “accommodated” in the rural area. This is clearly a cap on rural growth. Where is this displaced rural population going to go, when they chose not to live in urban areas?

Page 156 *“Strong population growth has spurred residential development mainly inside UGAs, although **rural areas also experienced strong growth** between 2000 and 2004. ...the number of units in rural areas with an average **density of approximately 1 unit per 5 acres**.....”*

CCCU: Again, we see “strong population growth” in rural areas with a density of 1 unit per 5 acres. Yet, in the 2007 and 2016 Comprehensive Plans, no accommodations for that growth are being allowed. The zoning and cap on rural growth remains the same.

Excerpts from the formal transcript of the February 16, 2016 Councilor hearing,

Page 3: Planning Director, Oliver **Orjiako** states, ...”Councilors, we are here today because at the January 13th, 2016 work session staff provided you an update on the comp plan and we also reviewed the

*R.W. Thorpe report. The Council wanted a hearing today to reconsider the **Preferred Alternative approved on November 24th, 2015**, given the analysis and the findings of R.W. Thorpe. **The Thorpe report, in my opinion, presents a big challenge and a risk for us going forward.**"*

CCCU: The last comment in this passage sets the stage for the hearing. The Thorpe Report had 8 determinations. Two were approved, four were rejected, and two were possible. The Thorpe representative stated in the work session that if they had had more information to consider on the rejected and possible items, they might have come to a different conclusion. This statement was later confirmed by CCCU.

Page 4 Orjiako: *"The consultant came back **reaffirming** the report that they prepared. **One of the changes he was asked to make** was, as you are aware, he found that of the eight planning assumptions, **four were invalid, two were partially invalid**. He was asked to, if he can, if you will, determine that the two invalid could be characterized as indeterminant.....So he came back and maintained the valid and partially invalid conclusions. So my staff reviewed that report and now it's final. It is attached in your packet."*

CCCU: The Thorpe Report did not claim that all the assumptions were rejected. Yet, that is the conclusion that staff determined, and the reason given for rejecting all of Alternative 4.

Page 6 Planner. Gordy Euler states, *The Board adopted a Preferred Alternative on November 24th as Oliver said. It was based on new planning assumptions for the Preferred Alternative that we had tested or vetted, that has been done by Robert W. Thorpe & Associates."*

Page 21 Attorney Christine Cook states, *,"I would like to point out, if I could, that choice, the Planning Assumptions that have been labeled as **Choice A are not necessarily the Planning Assumptions that the Board was working under prior to adoption of Choice B. Those were, in fact, written the same time that choice B was written and they are not necessarily what the County was using up till that point.** So saying that reconsidering or rescinding Choice B takes things back to choice A is, I would say an inaccurate way to couch the process here."*

CCCU: This statement says assumptions used prior to the 2015 choice B, for the 2016 Comprehensive Plan update process, were different for choice A Alternatives 1, 2 and 3, noted in the DEIS, and were written later, the same time choice B was written. This would mean they were not the same as assumptions in the DEIS, presented earlier. If that was the case, the entire EIS process was flawed, and needed to be done over again.

Councilor **Madore** states, *..."Which assumptions are not accurate in column A?"*

Cook:, *..."column A states that certain lots were counted that were not, the forest lots."*

Page 22 Madore:, *"Let me know which one you're speaking of."*

Cook, *..."Staff did not use a **rural vacant buildable lands model** in proposing planning assumptions that the Board adopted on April 14, I believe it was, 2015."*

CCCU has scanned and attached a map and enlarged legend describing the map that clearly shows the county did use a VBLM for the rural area. The map indicates the locations of “underutilized” land in the rural VBLM.

[file:///C:/Users/Carol/Downloads/Scan%20rural%20VBLM%20\(2\).pdf](file:///C:/Users/Carol/Downloads/Scan%20rural%20VBLM%20(2).pdf)

[file:///C:/Users/Carol/Downloads/Scan%20rural%20VBLM%20map%20\(1\).pdf](file:///C:/Users/Carol/Downloads/Scan%20rural%20VBLM%20map%20(1).pdf)

Orjiako , That's correct.

Cook, “And that’s consistent with one of Judge Poyfair’s orders in June of 1997 that said that you shouldn’t be using a rural vacant buildable lands model.”

Orjiako , Yes.

Madore ...”I thought that the PA’s office related to us that the existing assumptions were not only revealed to the board but approved by the Board. **How can there be assumptions that we don’t know about?”**

Page 23 Cook, “April 14, 2015 is a list of existing assumptions that were approved in Resolution 2015-0405. Those are the Planning Assumptions.”

Madore, “The assumptions, there’s no link between those in here . I have no idea what document you’re speaking of.”

Cook: “It’s on the Grid and it is on the Councilors meeting and its Planning Assumptions that was adopted by the Council in 2015 which you were chair of.”

Madore, “I understand that we adopted some planning assumptions, for instance, the rural/urban split that was a planning assumption. What I’m speaking of is the planning assumptions that is used in the software that once you export these documents, the parcels out of our maps of Alternative 1, 2, and 4, **that that software changes those numbers substantially** and not of those, or let me say that the ones that—the few that we did approve, we’re very aware of those. But you just brought up some that you said they’re not necessarily, and I’d like to know what are they, **because each of these assumptions are there because they change the numbers.**”

Orjiako,...”You are mixing the urban area assumptions and applying them to the rural area....”

Page 24, ...Orjiako “**Those assumptions** are understanding of what **County staff and GIS should be doing took us almost two to three years to develop**. Some of the **members** that were on **that task force** are sitting here in the audience. It was **put together by** the Council or **Commissioners in place at the time** that included members of the **development community**, members of the **environmental community planning staff** and representative from the **cities to develop a methodology** that we going to use when we look at estimating what is available, what is developable in the urban area.As Chris indicated, we have not been traditionally doing or extending this methodology to the rural area.....If you look at how much will be set aside for infrastructure, market factor development on critical areas, these are all urban assumptions that you exported to the rural area. A big mistake.

*...the **previous Board** have reviewed this. It has been vetted. It has been challenged all the way to the Growth Board **which I and the late Rich Lowry defended and Bronson***

CCCU: As you see staff and GIS took two to three years to develop assumptions. Only developers, environmentalists, cities and staff were involved in the planning process, even though their decision affect the property of the landowner. The GMA mandates that those affected by the planning, are to be included in the conversation and decision making. But they were not asked to be at the table.

Page 25, (Potter) *who is now with the **City of Vancouver**....and all the way to the court.*

*We, staff and GIS staff, have no authority to change any of the assumptions in the vacant buildable land model. We don't do that.He (**Bob Pool**) laid out how it is used and how it is done. That's what is in column A, some of it, not never have been applied to the rural area.*

Page 26 Madore:...*"you spent a long time describing how the urban assumptions came in. It's unrelated to the rural assumptions. The rural assumptions in column A are being used now, as best we understand...."*

Orjaiko *" council Madore, none of them are used in the rural area...none are being used in the rural area....did we say that 30 percent or 100 percent of the environmental constraint area should not develop in the rural area? No. Do we apply market factor in the rural area? No. Do we apply infrastructure deduction in the rural area? No.....we do not apply this column A as you stated or as you're claiming to the rural areas. We don't . All we typically will do is and with the help of our **GIS staff** based on the current zoning based on the current zoning, give us an estimate, just an estimate of what the potential number of lot, if those that could potentially further divide, if they were divided how many additional lot would be created. That's how it's been done in the*

Page 27 ...*"rural area, not applying infrastructure market factor, development or environmental, 30 percent, 10 percent or even coming up with vacant because there's so many things that we don't know about the rural area."*

Madore, *"Column A simply identifies the assumptions that have been used all along, as best we understand.*

Orjaiko, *In the urban area.*

Madore *"In the rural area....each of those have been verified with the GIS department.*

Page 150 (Closed testimony, hearing extended to February 23, 2016)

Page 151, Madore: *"I will assert that **Thorpe did the wrong project, instead of comparing A to B, they compared B to other county popularities.***

Olson: ...*"Poyfair decision,....compliance, not in compliance...Could you address that just for the folks that are still left here..."*

Page 152 Cook: *"So the Judge Poyfair wrote two orders, one is the April 4th order. There were seven Conclusions of Law in that order and the first one said the **court has jurisdiction.**"*

CCCU: The GMA mandates after an appeal goes to a court, it is out of the hands of the Hearing Board, except to establish compliance to the court orders. Neither the Superior Court or the Court of Appeals received a confirmation letter from the Hearing Board or the county to indicate the court orders had been followed. In 2006, the Hearing Board sent a letter stating the case was being closed because of no action, even though a number of items were still outstanding.

"....the Board is required to comply with the statutory mandates....set forth in the GMA."

"The agri-forest resource designations violate the GMA.I don't think we still have agri-forest resource.... Yep, the County complied with that."

*"...says Judge Poyfair, the **failure to solicit meaningful***

Page 153...., **public input for the agri-forest resource land violated the public participation provisions of the GMA.** So agri-forest is eliminated. The issue of public participation in designation agri-forest is also, ..eliminated, but in addition, after this remand, the County created **task forces and committees** that met and dealt with what to do with the agri-forest.

CCCU: Three of CCCU members were on the Agri-forest Task force, and as far as we know, there was only one group involved in that activity. If there were other "task forces and committees", they would have had to be behind the scenes groups, doing work that the formal Task Force was not aware of. Such activity does not meet the public participation guidelines of the GMA.

Okay, No 6 the **Comprehensive Plan EIS issued by the County violates SEPA**....The agri-forest resource land designations were disclosed subsequent to the publication of the final plan EIS and were not disclosed or discussed in any way in the EIS alternatives, but on remand, the county eliminated agri-forest, so you don't need to put anything in te EIS about agri-forest.

Page 154 ...the Board's decision to uphold the adequacy of the EIS absent additional environmental analysis regarding the agri-forest designations and changes to the pattern of rural development and that is eliminating the hamlet or activity center designation that was clearly erroneous. Okay. Those are fixed. So the EIS was also fixed.

CCCU: This is a wrong assumption on the part of Ms. Cook. The activity that took place for Agri-forest land and rural centers must go through an EIS process, according to the law. That same land must go through another EIS process if substantial changes occur to that land. In the case of the agri-forest land, substantial zoning was changed, and in the case of rural centers, substantial reduction in the location of those centers occurred. Both of them needed to go through an EIS process, again, after the changes were made. That never happened. The county was not compliant to the court order.

And then **Number 7 is rural land densities. The county's rural and resource development regulations are inconsistent with GMA.** One of the planning goals requires a variety of residential

*densities and housing types, which the Clark County **Community Framework Plan met by identifying pre-existing small development patterns** in rural area and creating **rural activity centers** with a variety of rural densities..... So that was what was wrong, according to judge Poyfair, with the residential densities. I eliminated the rural activity centers.*

CCCU: Clearly, one can see there are two distinct items regarding rural densities. One is "pre-existing small development patterns, and the other is "rural activity centers". The county took both of those items away. It was illegal for the county to do that, and both of those items were to be corrected according to the court. It was not just about rural centers.

Page 155.....*So that's what is read but the idea was the County erred by eliminating rural centers. The County now has rural centers. Every single item that Judge Poyfair ruled on has been addressed and cured by this County. There is not one more thing. **That's the opinion of the Prosecutor's Office and it is upheld by the Growth Board finding in compliance.***

CCCU: Ms. Cook is wrong on both these accounts. Every single item in the Poyfair orders were not addressed, particularly the last sentence that said, "little regard was made to the existing development in the rural area, in direct contradiction to the GMA. The Hearing Board letter of 2006 clearly states there were many outstanding items that had not been addressed in the court order. They state they assumed the items had been corrected in the 2004 update of the Plan, but that didn't happen. The Hearing Board is not to determine compliance to court orders via assumptions. They must require proof of compliance, and that never happened, as the courts attest.

Orjiako:...*The question will be, where did that 35, 000 acres go? What happened to that 35,000 acres. It was rezoned to Rural 5, predominately Rural 5, additional Rural 5.*

*There was a point where about 3500 acres of that 35,000 were left. The **two groups** or the group that were reviewing that couldn't come*

Page 156...*to a consensus of what it should be....that 3500 acres went to Rural 10 and Rural 20...*

CCCU: The 35,000 did not predominantly go to rural 5. Most of it went to rural 10 and rural 20. The Task Force was not able to finish the work, and staff did the majority of the rest. Some of the land also went to 20 acre agriculture zone, according to CCCU research. Somehow, some person or group manipulated the process whereby the Hearing Board began a discussion over 3500 acres, instead of assuring compliance to the Poyfair court orders. CCCU was able to save those lands via expert testimony that was not challenged in court. Even so, some of the land was still zoned 20 acre rural and agriculture, in the end.

...If you couple that with the one acre two and a half in the rural centers you have 5, 10 20, 40 and 80 , that complied with a variety of rural densities that the Judge was calling for...

CCCU: The GMA separates resource land from rural land. But Clark County has not done that. Rural centers were established in the GMA as rural commercial hubs, and not for housing densities. Resource lands can't be counted as rural densities. Rural densities actually consist of 5, 10 and 20 acre zones.

Cook: , *"As Dr. Orjiako just said, virtually all of the 35,000 acres that were in agri-forest were zoned R-5."*

CCCU: This statement from Ms. Cook is false.

Page 157 Councilor Tom **Mielke** states, *.".So then when we did away with.. the county came in compliance with the Judge Poyfair ruling.*

ag-forest that became R-5, R-10s, where were they? Were they recognized what was legal lots before? I mean, before the GMA, we had several legal lots that were—

Cook: , *"That had nothing to do with legal lots."*

CCCU: Environmental attorney, John Karpinski indicated in his "Green Alternative" in response to planner, Elise Scolnick's request for an alternative to the 1994 Comprehensive Plan, recommended large lot zoning, which would then make "soon to be non-conforming lots". Zoning had *all* to do with legal lots, or the elimination of them.

Orjiako....*"While I was here I wasn't the Planning Director or the Planning Manager,"*

CCCU: Mr. Orjiako was a primary participant to the creation of the 1994 Comprehensive Plan, and all other Plans since that time. He presented the information in many public hearings and as one can read in a previous passage, admits to being party to defending the Plan in the court with attorneys, Rich Lowry and Bronson Potter

Page 158*...but I was on the staff and that was my understanding of how the County came in compliance with the Judge Poyfair ruling.*

Mielke: *..Can we identify those? Because I just don't see them.*

Cook:*...Councilor, how about for the next meeting we show or staff gets the 1994 map.*

CCCU: At the next meeting, staff did not present the 1994 map

Madore: *"At the beginning, near the beginning of the meeting, Christine Cook, you mentioned that the **column A assumptions are not the column—or are not the original assumptions** and you weren't able to put your finger on anything specific. I would like to be able to, if for some reason column A assumptions do not clearly relate the original assumptions then please let us know specifically which one is not accurate. If there are other assumptions that we don't know about, please let us know.*

The formal transcripts of the February 23, 2016 Councilor Hearing

Cook: *"Councilor, I am not a tech person and I am not sure exactly what you're talking about when you talk about the layer being turned on and off. I think what I am talking about is the board's adoption of a Preferred Alternative on November 24th and its adoption of a set of planning assumptions known as the*

Choice B Planning Assumptions. Those are largely words **and if those are rescinded, there is no need to deal with the map.**

Page 8, Madore: ...*"You mentioned also that the assumptions are simply words. The **assumptions are simply English representations of***

Page 9,software code called the vacant buildable, the rural vacant buildable lands mode. That's software code that changes the number that get reported to us that we act on. They're more than words. They're software rules that change the numbers by hundreds of percent before the Commissioners get them. ...those are hugely important."

Olson: *."we were provided this document from you guys, from staff estimating potential rural housing and employment. This is the documentation of how rural lots have been counted in the past?"*

Orjiako:...*"What this represents is when ESA asked staff to help them determine the*

Page 10...*potential new lots available under each alternative. This is staff documentation of what was presented to ESA.*

...There is no written rural VBLM model. *What we do is just a simple analysis of what are the available potential lot in the rural area based on the current zoning, so we don't have—this Council and the previous board that we have worked with have ever approved a rural vacant lands model.*

CCCU: CCCU is submitting a copy of a RVBLM map and legend of that map for review. If VBLM has never been used for rural areas, why did the county determine underutilized land in the rural area under the heading of "Rural VBLM"?

Madore:...*"I'd like to be able to correct a couple of misunderstandings.....The Map is completely independent. It has nothing to do with the planning assumptions. The way the map is the definition of **28,812 parcels in the rural area.** Alternative 1 has the same count, the same parcels as Alternative 4. **Those 28,812 parcels are then exported from that map into Excel and that provides the basis that we start to analyze the numbers.** So the map is completely*

Page 11....*disconnected from the planning assumptions.*

Once we get the exported, those exported files in Excel, that's where the VBLM, the rural VBLM, that M that in in those four letters stands for model, that's where the math, the software changes those numbers to reflect the total that end up in the DSEIS.

Stewart: *" I'm going to see if we can move this conversation along.... **I make a motion to repeal the Preferred Alternative and comp Plan policies as they were adopted in November 24, 2015.***

Madore: *Point of order.*

Olson: *I second*

Madore Point of order.

Page 13, Mielke: *"If I understand, ...I'm understanding that we're taking action to remove it before we discuss it?"*

Madore:: *"What was the motion specifically?"*

Stewart: *The motion is to repeal the Preferred alternative and comp plan policies as they were adopted on November 24, 2015.*

Page 14 Mielke:....*So I'm not understanding why we would take the action to dissolve it before we talk about it.....You're trying to cut off the debate and you haven't even discussed the things that we—the alternatives that staff has come forward with.*

Page 15 ...*This is huge to cut off debate on this.*

This is something that's been kicked down the road for 20 years denying the rural – denying the rural portion to be considered at all and that was part of the Growth management Act that you were supposed to take into consideration the rural amount.....We also appointed a rural task force that went out there and they worked very, very hard to come back as to how they was recommending growth go forward.....We're ignoring that by cutting off this debate too. We're throwing chains around those landowners to where they can't do it again.....It was supposed to plan for growth, not stop growth.....It's time to deal with that rural area, not to cut off debate again....

Page 16,....*nearly 50 % of our population and that you can, in fact, we just had something here a minute ago to where we're taxing them another \$100,000 for a program that's going to help locally more that it's going to help the rural area.*

So I think that we're way out of line with what we have before us right now to ignore the things that we have before us and not talk about them.

Page 19 Madore:....*the option on the table is to do away with the rural component of the plan.*

Mielke: *It's to repeal the Preferred alternative that this 'board voted to do back in October.*

Boldt: Yes. And at the end of the day, we will have all of our Preferred Alternative. So all this is getting us to a blank sheet and then we'll build from that blank sheet up.

CCCU: The repeal of Alternative 4 was an illegal process, filled with county staff bias and confrontation. Councilor Boldt claims that a new Alternative was to be created, and by repealing Alternative 4, the Council will be starting with a "blank slate". That blank slate had no EIS determination, no public process, no meaningful public participation, no appropriate hearings, and no process allowed by the GMA. Such actions show the flawed processess that are prevalent at this level of government in Clark County. Just as in the Agri-forest debacle, when county attorney, Rich Lowery, admitted to CCCU's

attorney, Glen Amster, the county had nothing to show the creation of the designation, the same is true in the repeal of Alternative 4. The result is an illegal Comprehensive Plan, that needs to be fixed.

Alternative 4 deserves its rightful place at the table along with the thousands of rural landowners it represents. Clark County is the only county in the state that conducts land use planning in such a flawed way. The Legislature appears to change The Growth Management Act in direct response to Clark County's illegal actions. The Rural Element was expanded because of the Poyfair decision and RCW 36.70A.215 was likely expanded because Clark County refuses to comply with the mandatory language of the GMA in RCW 36.70A.215. It's time that Clark County follows what other counties in the state are doing to comply with the mandates. It's time the Councilors adopt a Plan we all can live with.

Sincerely,

Carol Levanen, Exec. Secretary

Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

The 2-16-16 hearing includes public testimony in support of Alternative 4, which has been scanned and included in this report. Most of this testimony had been removed from the record, and at the time of appeal, minutes for the final hearings were not available. CCCU would have had to pay for transcription of the information, which was not convenient. Testimony came from Jim Malnowski, CPU Commissioner-electrical engineer, Nathan Ek, septic design and consultant environmental engineer, Rick Dunning, former Director Washington State Farm Forest Association, John Ley, pilot, Mark Collier, septic designer, Troy Uskoski, tree farmer, Steve Cox, speaking for self and Representative Liz Pike, Dist. 18, George Hacker, land owner, James Misner, land owner, Frank White, electrical engineer, Jodie Phelps, land owner, Chuck Miller, Washington Citizens for responsible government, Margaret Tweet, and many, many others. A link is attached to those hearings and samples of a uniform message from landowners follows.

https://clark.wa.gov/sites/default/files/dept/files/council-meetings/2016/022316_CompPlanupdate_VerbatimTranscript.pdf

BOARD OF COUNTY COUNCILORS MINUTES OF FEBRUARY 16, 2016

Page 82...and borderlines on hypocrisy . I think if you supported this, you will have a debate and you will be challenged by the Department of Ecology no matter which way you go . I implore you that if you are going to debate with them anyway , please do it on behalf of the will of your constituency in rural Clark County. Thank you .

Page 87 - WARREN : **Red Warren** here . We support Alternative 4 as the most equitable solution to a very longstanding problem foisted on the rural communities in our midst . This Board is now at a crossroad whether to determine to listen to the people or to impose their own ideas or the ideas of the professionals upon our rural neighbors . This land -- these landowners have suffered for over 20 years with dogmatic regulations imposed upon them from above . Is this what we now will continue or will you five representatives actually consider representing these oppressed ones? To have unreasonable restrictions imposed upon those who sacrificed and worked for their property is unjust .

As we reflect on the impact that Washington and Lincoln had on American history , we were profoundly reminded of the importance and power of their office . You too are powerful and exert power for or against the people of this county for good or for evil. Are these within the bounds of the city -- are those -- excuse me -- are those within the bounds of the city limits to impose their philosophy and will on those in the rural areas? Is this not dividing and pinning one against the other? Has this not been the case for many years? Why else would one faction seek to impose its will on another if not for the love of money , the root of all evil . Where is the freedom of these property owners to control their fruit of their own labor? Lincoln understood that the ultimate enemy of this great nation was not outsider borders but within that could ultimately be capable of bringing down this great nation or this county . The curse of one faction imposing its will on another, was that not what the whole Civil War was to correct? Lincoln said , America will never be destroyed from outside . If we falter and lose our freedoms , it will be because we destroyed ourselves . We support Alternative 4 because it is the only alternative that recognizes the rights of our neighbors in the rural lands of Clark County . They have waited far too long for corrections to be made . Now is the time for reasonable decisions to recognize the rights of these families we have invested much time and money and effort in caring for this land . We all benefit . Let us recognize this fact and return to them the rights they had at one time but which were improperly taken away from them . Thank you for listening .

GREENE : My name is **Nicholas Greene** . I ' m representing my father **Stanley Greene** . The Clark County Planning Commission recommended to the Clark County Councilors for the Councilors to , quote , allow for a process for flexibility and opportunity for landowners who continuously owned their property prior to the 1994 plan to possibly divide their property , end quote . Our family supports the recommendation of the Planning Commission . We respectfully request that this Planning Commission recommendation please be included in whichever alternative update becomes the Preferred Alternative for the GMA update . You have heard other members of our family speak on this subject . I know that other families have been severely affected by the 1994 GMA . We have heard Mr . Jones from Yacolt and a gentleman who owns property in the Camas area speak on the same subject . Also , the Styres family who own property near us in the Yacolt area have been adversely affected by the 1994 GMA . We should have the right to build homes for ourselves on our own land , but with that right , some of us may choose to build while others may choose not to build . We believe it would be an alienation of our property rights if Clark County attempts to prohibit us from building our own homes on the property which has been owned by our family for 60 years . We believe it would be unequal treatment for a non - compensated taking of the use of our property if Clark County attempts to prohibit us from building our homes on the property which we have owned in our family for 60 years .

Thank you . BOLDT : Thank you . Good job . George Espinosa .
Afternoon . ESPINOSA : Good afternoon . **George Espinosa** , E - s - p - i - n - o - s - a . Well , gentlemen , there ' s not much I can add to all the eloquent words you ' ve heard this afternoon . I stand with Liz Pike . I think it ' s time that we return property rights to the people . I do have two requests . Number one , been going on for nine years now , please remove us from the urban growth boundary . We ' ve been vacillating out there all this time . And please support Alternative 4 because that is the will of the people . And I think that you folks , the three of you committed the ultimate insult against the people when you failed to acknowledge and show up at the town meeting at Hockinson last Friday night . I felt insulted that you weren ' t there ..

AHOLA : Good afternoon . Contrary to my last name , I ' m **Carol Ahola** . It is aloha backwards but it ' s a good Finnish name . My husband ' s grandfather homesteaded in

Hockinson , Washington , shortly before the 1900s . He passed his 160 acres down to his son Alfred , and Alfred who is has departed , passed it down to his children . There were seven kids . My husband was the oldest . And after -- he actually was in the Department of Defense serving our country in Japan when they discovered brain cancer . He lost that battle , but gained heaven and left me with the 20 acres we had received from Milt ' s folks . I just want to put a personality, a face . It ' s so easy to dismiss it . I ' m a grandma that wants to share my inheritance . I want to share it with my children . And we ' re not talking about , for instance , the Washougal property of having homes that the lot is just a little smaller than some people ' s houses . We ' re talking I would like to see my 20 acres divided into five - acre parcels with one house on each one available for my children to enjoy what their dad and their grandpa and their great grandpa enjoyed .

BOLDT : Thank you .. **Donna Anderson . ANDREWS : Andrews** .. Thank you.

siblings in the 1970s and 1980s . Happy families grew there . By our widowed mother ' s will , we three daughters have now inherited proportional percentages of 49 acres and we cannot legally divide . None of our siblings on smaller lots can divide and two of us are deprived of the right to build any home on our wooded property . We appreciate the hard detail work that everybody has been doing and we appreciate the investment of your time and the good intentions of the Planning Commission . A younger gentleman just read that Exhibit 4 . x in the Preferred Alternative . They discussed possibly a promise for flexibility for historic families like ours, and I understand why this language is too general , and according to Note 4 . x , it cannot be written into the -- because it can ' t be measured by the Environmental Impact Statement . That ' s logical . But we appreciate the good intentions of the Councilors and the Planning Commission in really listening to everybody . People have spoken quite clearly about some of the unfair issues from the GMA issue in 1994 . They made so many lots nonconforming . In our case , the lots were not congruent with the prevailing lots in the neighborhood . If my neighborhood , my 49 acres, is just my siblings, their lot sizes are two and a half, 5 acres, 6 acres, 10 , 15 , 20 and 21 , so 49 is not congruent . And I just would say GMA seemed to have been rather than maintaining rural character of the neighborhoods , overly constricting that rural character .

KINCAID : Good afternoon. The name is **Bruce Kincaid** . acres in Clark County almost 40 years ago . At that time the land was basically not zoned . The Health Department said you needed an acre to have a well and a septic on the same land . Subsequently , it became zoned for five - acre minimums . That ' s , you know , all well and good . In 1994 my property and two adjoining properties were sort of a notch into the State land . This is rural Washougal , Bear Prairie , backs up against State land . Myself and these two adjacent properties, we became an 80 - acre minimum . So I went from no zoning to 80 - acre minimum and I have 60 acres . One thing to think about is what does that do to my IRA? The other thing is I ' ve gotten to the point in life where I have four sons , I ' d like to see some or all of them living around me . The idea of four or five houses on 60 acres doesn't seem excessive to me . I think the rural should be such that I could do that . And as I've listened to some of these proceedings today , my problem versus some of the other problems presented to you , you know , by people that are in Ridgefield and want to expand the urban boundaries and so forth are just -- they are so different that it ' s just hard for me to comprehend how you can really handle decisions like you ' re faced with one set of rules that would be fair to each of us , but I say good luck .

Melinda Zamora , did I get that right? Afternoon . **ZAMORA** : Good afternoon .

I ' m **Dr . Melinda Zamora** , Z- a - m- o - r - a . have property north of Battle Ground in the Heisson area . I , like the gentleman before , only have two and a half acres, so I nothing that happens here today will affect me financially ; however , as a physician , I would love to see all my patients have the opportunity to live in the rural area on a few acres, and this just isn ' t available for them . The lots are

not out there . I would like them to be able to experience the health benefits that were talked about before , being able to have a big garden , grow your own -- excuse me -- have a cow or a horse , be able to take care of that property and take care of their families . While it ' s nice to have a big park down the road from your apartments or your high- density housing , it ' s just not the same for health benefits for people . It was talked about earlier also that small parcels are more expensive in the rural area , that we should have more large parcels because they ' re cheaper . This is true because they ' re very small , few small parcels out there . Supply and demand is driving the price up. If there were more parcels available , parcels would be cheaper . As a parent , I want my children to be able to live out in the rural area , if they choose to , to be able to have this lifestyle , to be able to grow the things that they want to grow , to teach their children , to be able to teach them work ethics and moralities and the things that can ' t necessarily be taught if you live in a small apartment in town or on a small lot . I would encourage you to look at these things that people have talked about today and to support Alternative 4 . And thank you very much .

RYLANDER : Good afternoon . My name is **Dick Rylander** , the last name is spelled R-y- 1 - a - n - d - e - r . I am a resident of the area just south of Battle Ground , Washington . Some of you have talked to me about a different topic associated with that . I am here not as a rural property owner with large amounts of land to sell , we have about four and a half acre we built on about ten years ago , can ' t be subdivided , don ' t want to subdivide it, but we moved to rural Clark County because we were looking for a rural lifestyle . I have four grown children and currently 11 grandchildren and I ' m here on their behalf as well , because I hope that they have the opportunity to enjoy a rural lifestyle in the coming years in their future . So I ' m here to ask you to continue to support Alternative 4 and I ' ll give you three base reasons . One , landowners, I believe , have a right to have a path forward to the sale of their property if they deem that that ' s appropriate because they have taken the risk and they have paid the bills, and to restrict that right and that ability to me is unconscionable . Two , the County and the people need a long- term path to more land Rider & Associates, Inc . 360 . 693 . 4111 112
BOARD OF COUNTY COUNCILORS MINUTES OF FEBRUARY 16, 2016 for people who actually do want a rural lifestyle. I understand the cities want to stuff people into small parcels and stack them on top of each other because it makes it easier to deal with road issues and utility issues and sewage and everything else , but not all of us want to be stacked into sardine cans . The third point is that not allowing landowners a choice to sell or not , I actually think holds them hostage to other people ' s view of what ' s right and what ' s wrong . And in reality , we all make our best decisions and I understand that you ' re faced with the responsibility of having to make choices that will have significant impacts on others . But I guess I would close and ask you if by choosing to not follow something like Alternative 4 that allows choice from the rural landowners standpoint , are you , in essence , enforcing a form of discrimination just based on your particular points of view? Look to the larger group , look to the people , because the people are the ones , not only that have elected you , but they ' re the ones ultimately that have to live with the consequences . Thank you .

Carol Levanen . LEVANEN : There ' s a packet here of 102 signatures of landowners who support Alternative 4 from our town hall meeting . I haven ' t started talking yet , but I ' ve got five seconds already gone . I ' m talking faster . Carol Levanen for Clark County Citizens United . Rural and resource landowners have allowed free use of their land by environmentalists and cities for over 20 years and they want it back . The economic loss in the 1994 downzoning was extreme . A person owning 20 acres who could have generated eight 2 . 5- acre parcels prior to ' 94 lost \$800 , 000 at the stroke of a pen . Now his land with poor soil lays fallow while he pays \$5 , 000 a year in taxes and generates no income . For 20 years he has lost revenue , plus the initial loss to equal almost a million dollars and still counting . The majority of the resource zoned parcels in Clark County make less than \$10 , 000 a year . Reasonable economics does count when zoning resource lands under GMA . Rural and resource landowners have lost billions as a result of the 1994 downzoning and nothing in the plan has changed to compensate them . Washington State Supreme Court in Lewis County versus

Western Washington Growth Management Hearings Board , August 10th , 2006 , states, if the State wants to conserve all land that is capable of being farmed without regard to its commercial viability, it may buy the land . In Superior Court , April 4 , 1997 , Judge Poyfair said , previous Growth Management Board decisions appeared to prevent the county from allowing any growth in rural areas . The Board is not above the law which gave it its existence . The Board must comply with expressed statutory mandates . The Board had an end in sight restricting growth in rural areas . The Board erroneously interpreted and applied the GMA when it failed to meet the statutorily mandated definitional criteria for resource lands . Additionally , the failure to solicit meaningful public input violated the public participation provisions of the GMA . Comprehensive plan EIS issued by the County violates the State Environmental Policy Act regarding changes to the pattern of rural development was clearly erroneous . A variety of residential densities and housing types which the Clark County community framework plan met by identifying preexisting small development patterns in rural areas . There is no requirement in the GMA that the OFM projections be used in any manner other than as a measure to ensure urban growth areas . This Board decision , however , compelled the County to downzone substantial portions of the rural areas . The only requirement for rural areas in the GMA is that growth in rural areas not be urban in character . While the GMA contains no restrictions on rural growth , it does require a variety of residential densities . The Board had an end in sight and disregarded the GMA ' s mandate in applying an unauthorized formula to the review of the Clark County comprehensive plans land use densities . The Board ' s interpretation was erroneous . The result is a plan that gives little regard for the realities of existing rural development and direct contradiction of the terms of the GMA . The Preferred Alternative with Alt 4 adopted on November 24 , 2015 , is the only alternative that comes even close to complying with court mandates and the GMA . It is critical the Councilors understand the repercussions if Alternative 4 is removed . CCCU wants to support the County in land use decisions, but we cannot support the economic ruin of rural and resource landowners for the sake of Sunday drivers and irrational cities. If they want the land , they must buy it . Thank you .

RASMUSSEN : Good afternoon , Councilors . **Susan Rasmussen** , R - a - s - m - u - s - s - e - n , for CCCU . Before you is a copy of our Superior Court orders, the Findings of Fact , Conclusions of Law and order April 4th , 1997 , written by the Honorable Edwin J . Poyfair . Now , I ' d like t o talk for a moment about statutory mandates . CCCU welcomes open conversations about statutory GMA mandates .in particular, let ' s start with those outstanding mandates from the Superior Court orders that have been swept under the rug by the planners . There is a distinction to be made between the County ' s plan being GMA compliant and the County ' s compliance to CCCU Superior Court orders mandating County action to correct the violations of the GMA . Those arguing to maintain status quo had their day in court with CCCU . They lost in Superior Court , case closed . The Poyfair remand remains unsatisfied . You are sorely mistaken if you think we are going to stand by and let this go . I particularly would like to address Page 29 , actually it starts on Page 2 8 of the remand . The Board ' s interpretation was erroneous and the County ' s decision to follow the Board ' s lead was unfortunate . The result is a plan that gives little regard for the realities of existing rural development in direct contradiction in terms of the GMA . That is why you have 17 percent of the AG - 20 lots comply to their zone . That ' s why you have nine out of te n lots in the forest district out of compliance to their zone . Furthermore , on Page 27 , actually it starts on Page 26 , furthermore , there is no substantial evidence in the record to support the designation of agri- forest lands as resource lands under GMA . The NRCS soils manual to this day was never used in designating County ' s resource lands . Again , on Page 28 , you will see right at the top the EIS absent additional environmental analysis regarding the agri- forest designations and changes to the pattern of rural development was clearly erroneous . An important question needs to be answered . What happens when planners ignore the Superior Court orders and fail to correct the violations of the GMA? And more important still, why are the orders being ignored , and who is going to hold the feet to the fire to make sure compliance is upheld?

MCISAAC : Thank you , Mr . Chairman , and good afternoon . For the record , **Dr . Donald Mcisaac** . I ' m here with Mr . Pete Rasmussen who will introduce himself here . I ' m testifying on behalf of myself and my family and some friends in the mostly in the Hockinson area but elsewhere in the county and I ' m not a member of any of the organized groups that showed so heavily the other night in Hockinson . First a couple of things on the Thorpe report , then a recommendation on a pathway forward and then last I ' d like to clarify a question of Councilor Olson ' s earlier on Alternative 2 , the rural parts of Alternative 2 . So first let me say , it ' s a little bit disappointing that after the months of December and January have gone by that there are only four pieces of information on The Grid now for your decision today , three of which were available before the November 24th meeting and the fourth one being the Thorpe report . We would have expected a lot more progress . And I ' ve handed you and you can see on the screen what it appears to us to be the status of Planning Assumptions now . And if you look at that little chart , you ' ll see eight assumptions, and then on the left , you ' ll see in the Draft SEIS an asterisk that shows below it . report . These were not evaluated for validity in the Thorpe . You ' ll see the new updated data and approaches that were part of the motion that passed in November and you ' ll see some valid , some invalid , some partially valid , invalid , partially valid . You ' ll see under the Thorpe comment out of their report , for example , on Assumption Number 3 that some lots could develop . There ' s an assumption that the SEIS might not be accurate . There ' s a comment in their report about more data review needed before you could determine the validity . There ' s a comment that that might likely be invalid , but there ' s some qualifiers that it ' s not absolutely invalid leading to the question marks down the right side . So what do you use? Do you use the new approach where it says valid? Do you use the new approach or the old approach where it says partially valid? What do you do to try to make a responsible decision right now? There ' s a lot of outstanding questions there . I don ' t think you have the information right now to make the decisions based on this . The bottom row there is the urban/rural split . And the Draft SEIS shows 90/10 . The new approach is 87 and a half to 12 and a half and the Thorpe comment says either of the values are legitimate valid policy choices . So which one do you use? If you ' re going to make a decision today conceivably on eliminating Alternative 4 , which one would you use? That one alone enables Alternative 4 to be fully GMA compliant if you use the new approach . So let me just leap forward to a pathway forward . You heard a little bit about being stuck , about being at an impasse . We recommend that you cement your policy on your assumptions today . After you do that , order more analysis with white papers, legal opinions or whatever you need in writing and get those results before you decide . Order the completion of all the paperwork , the capital facilities report , the Title 40 business, all the paperwork and then make an informed decision in late May , early June . Don ' t make a decision now before you have all the information . Wait for the results make a good responsible decision then . MIELKE : Times up . MCISAAC : I would like , Mr . Chairman , just quickly on rural Alternative 2 , the answer this morning was AG - 20 goes to AG - 10 , FR- 40 goes to FR- 20 that is true in some areas, very few areas . How were those areas selected? Ask the staff. And it ' s a very minor amount of rural benefit in Alternative 2 .

BOLDT : Okay . RASMUSSEN : Does this work? **Peter Rasmussen** , R - a - s - m - u - s - s - e - n . And essentially I want to echo what Jim Malinowski said when he spoke and Rick Dunning as well . Rider & Associates, Inc . 360 . 693 . 4111 138 BOARD OF COUNTY COUNCILORS MINUTES OF FEBRUARY 16, 2016 In the rural community , there is a real problem and when you have the large lots and you want to bring on a child into your business, it really , right now , it ' s almost impossible to do without jeopardizing the whole operation . I also and this is -- this is maybe just a little bit -- well , in all due respect to the staff, if you cannot get the things done that need to be done , I know two women who can help you out and I ' m married to one of them . So I don ' t want to be , you know , I don ' t want to be callous about it, but you ' re not getting the work done and Susan and Carol can get it done for you , if you need help . Thank you very much .

Haggarty - 147 Phelps - 148 Miller - 149

----- Forwarded Message -----

From: Kent van Alstyne <kvanalstyne@phillipsburgesslaw.com>

To: susan rasmussen <sprazz@outlook.com>

Cc: Carol Levanen <cnldental@yahoo.com>; Jayne Lane <jlane@phillipsburgesslaw.com>; Ally Holttum <aholttum@phillipsburgesslaw.com>; Heather Burgess <hburgess@phillipsburgesslaw.com>

Sent: Wednesday, March 29, 2017 10:03 AM

Subject: RE: CCCU items supplementing the record

September, 29, 2016

Dear Heather.

The following is a report of missing testimony from 1-1-13 to 6-29-16 for myself, Carol Levanen. In addition, many verbal testimonies are missing in the Index for Susan Rasmussen, Loretta Steele, Jim Malinowski, Fred Pickering, Rick Dunning and Leah Higgins 10-24-14.

Looking on calendars for 2014, 2015 and 2016, I determined which days, generally on Tuesday, that I and Susan would have given testimony. I then reviewed the index to determine which documents were present. Then, for those days that were not in the index, I reviewed my word processor to confirm the missing document. The following information is that report.

There are 83 testimony documents of Carol Levanen's, that were not in the Index. Of those items, 57 of those documents are of critical information. Those dates are as follows:

2014	2015 Cont.	2016
2-24-14	5-23-15	1-19-16
4-29-14	5-24-15	2-02-16
5-01-14	5-27-15 **	3-01-16
5-13-14	6-16-15	3-08-16
5-15-14	7-08-15	3-22-16
5-20-14	7-15-15	3-29-16
8-22-14 **	7-22-15	4-18-16
9-04-14	7-29-15	4-26-16
9-08-14	8-04-15	5-03-16
9-23-14	8-11-15	5-17-16
10-17-14	9-01-15	5-20-16
11-18-14	9-08-15	5-24-16
	10-05-15	6-02-16
2015	10-27-15	6-04-16
	11-03-15	6-21-16
1-06-15 **	11-10-15	
1-13-15 **	11-24-15	
1-20-15 **	12-15-15	
1-27-15	12-22-15	
2-17-15		
3-03-15 **		
3-17-15	Numerous entries simply said "citizens" and numerous entries combined Susan Rasmussen and Carol Levanen testimony into one entry.	
3-24-15		

3-31-15
4-14-15
4-21-15
5-12-15

Best Regards, Carol Levanen, Exec. Secretary, CCCU, Inc.

Clark County Citizens United, Inc. P.O. Box 2188 Battle Ground, Washington 98604 E-Mail
cccuinc@yahoo.com

Good Morning Susan,

Please find the complete list of additional items that were missing from the record here:

<http://2016compplan.clark.wa.gov/supplemental/index.html>

Specifically the items CCCU requested that were missing from the record are between IR numbers 2937-3072, 3080-3083, 3091-3092,

I have also attached copies of the motions to supplement the record made by CCCU, which describe the documents to be added.

Regards,

Kent van Alstyne

Attorney

kvanalstyne@phillipsburgesslaw.com | [website](#)

Phillips Burgess Law

724 Columbia St. NW, Suite 320, Olympia, WA 98501 | 360.742.3500
505 Broadway St., Suite 408, Tacoma, WA 98402 | 253.292.6640

Tina Redline

OG-16 CC'd: Oliver Orjiako
Sonja Wisel

From: Kathleen Otto
Sent: Tuesday, October 13, 2020 1:50 PM
To: Tina Redline; Rebecca Messinger
Subject: FW: 1993 MetaData for 1994 Comp Plan resource land - #1
Attachments: Scan metadata 1993 resource land.pdf



Kathleen Otto
County Manager

564-397-2458



From: Carol Levanen <cccuinc@yahoo.com>
Sent: Tuesday, October 13, 2020 1:49 PM
To: Eileen Quiring O'Brien <Eileen.QuiringOBrien@clark.wa.gov>; Gary Medvigy <Gary.Medvigy@clark.wa.gov>; Julie Olson <Julie.Olson2@clark.wa.gov>; John Blom <John.Blom@clark.wa.gov>; Temple Lentz <Temple.Lentz@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>
Subject: Fw: 1993 MetaData for 1994 Comp Plan resource land - #1

CAUTION: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Clark County Citizens United, Inc. P.O. Box 2188 Battle Ground, Washington 98604 E-Mail cccuinc@yahoo.com

----- Forwarded Message -----

From: Carol Levanen <cccuinc@yahoo.com>
To: Carol Levanen <cccuinc@yahoo.com>
Sent: Tuesday, October 13, 2020, 01:42:12 PM PDT
Subject: Fw: 1993 MetaData for 1994 Comp Plan resource land - #1

Dear Councilors,

Here is the 1993 MetaData information, taken from GIS records, describing what county planners did to determine all resource land in Clark County. As one can see, there is no mention of having used the GMA mandated NRCS soils manual and no mention about having used prime soils as a guideline. This information was removed from the GIS records, shortly after CCCU exposed the

information in testimony at a councilor hearing. In addition, CCCU was told by GIS that they would not be allowed to print any more large maps for CCCU, and two of their staff had been fired.

Sincerely,

Carol Levanen, Exec Secretary,
Clark County Citizens United, Inc.
P.O. Box 2188
Yacolt, Washington 98604



-----Department & Programs-----

*No mention of NRC's
Soils manual*

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Subdivision Browser
Quarter Sections
Auditor Records
Parcel Alteration Forms

Metadata Information Browser

Search by layer name, keywords or display layers grouped alphabetically.

Layer Name: Layer Keyword(s): Attribute Keyword(s):

Demographics

Socioeconomic Data
Census 2010 Profiles

limit results: Data Types:

10
Newest
Layers

GIS Programs

Index of Atlas Maps
GIS Metadata
GIS Training
Annexation Tracker

limit results: Layer Name Beginning with:

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Photography
Developer's Packet

Layer Name: Layer dbID #:

Overview Summary

Title:	GMA Landuse
Layer Name:	Landuse
Status:	Active
Library:	clark
Schema:	
Dataset:	
Description:	Landuse polygons created for 1994 GMA Depicts land uses within Clark County as determined by the Planning Department. It is a combination of the Assessors Landuse (Primary Property Type) and the mapping departments Photo Interpretation.
History:	Assessor's PT1 code was aggregated into approximately 25 land use categories. Parcels > 1 acre were classified using photo-interpretation. Vancouver and Clark County Planning also used limited field surveys to update the database.
Other Links:	
Data Type:	ShapeFiles
Derived From:	Landuse - Arc/Info Coverages
Intended Use:	Growth Management and Land Use Planning The Photo Interpretation coverage is from 1:24000 Aerial Photos, this makes the product unsuitable for display with the parcels coverage.
Intended Scale:	24,000
Metadata Restrictions:	No
Data Restrictions:	None
Maintenance:	Not Maintained
Keywords:	landuse gma growth management
Other Data Types:	Arc/Info Coverages

Technical & Source Data

Documented:	12-May-93
Image Reference:	No
Source Title:	
Source Projection:	
Source Description:	Assessor's database on the HP3000 as corrected from limited area field surveys by the City of Vancouver, Clark County Planning and photo- interpretation.
Source Date:	12-May-93
Source Organization:	
Completion Date:	12-May-93
Source Scale:	4,800
Source Contact:	

OCT. 13, 2020

Rebecca Messinger

cc'd: Council

From: dsermone@aol.com
Sent: Monday, October 12, 2020 4:26 PM
To: Rebecca Messinger
Cc: proebstel.na2@gmail.com

CAUTION: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The Council appears intent on proceeding with planning for Camp Bonneville without responding to any concerns that have been raised or speaking with any residents at all. No member of the public has been invited to participate in this work session. No public input is reflected in the presentation for this work session. Plans to proceed with expanding the firing ranges have simply disappeared, unresolved.

I live in Summer Hills development and have resided in the county since 2008. I am concerned about the lack of public input about plans for Camp Bonneville. Summer Hills is close enough to the forests of Camp Bonneville to make whatever happens there a concern to all of us who live here.

Last week, many residents emailed the Council with concerns about plans to renew the FBI firing range contract without any public input.

Though many individuals requested that their public testimony be read aloud at the Council meeting so other County residents could hear their concerns, the Council did not allow any of comments to be read. Instead the Council noted that a work session regarding Camp Bonneville would be scheduled for sometime in the future.

No Councilor or County staff have made any effort to contact any residents about their concerns regarding Camp Bonneville. They have not asked for any input regarding the future for Camp Bonneville.

County staff has chosen to ignore crucial information about Camp Bonneville.

For example, County staff is unaware of the Army's requirements and restrictions for this property. The Army turned down a 2008 County proposal to use part of Camp Bonneville as a veterans cemetery. The Army stated, **"Pursuant to 10 U.S.C. 2694a, the deed requires that Camp Bonneville be used and maintained for the conservation of natural resources in perpetuity. The Army believes that the operation of a traditional cemetery in Camp Bonneville would be inconsistent with the conservation of natural resources.** The Army takes very seriously the deed restrictions attached to this property.

County staff still refer to reuse plans for Camp Bonneville that are decades out of date and were based on an economic conveyance that was ultimately not approved by the Army. The conservation conveyance is **for the conservation of natural resources in perpetuity.**

The lack of detail in the Oct 14 presentation raises serious concerns. For example, the attached presentation shows the clean up of lead contamination at RAU 2A to be complete. However the staff was provided with the cleanup report showing a large portion of RAU 2A was not cleared of lead contamination. Instead, the area was covered with a ground cloth and a 12" layer of clean soil added on top. This area **MUST** be permanently fenced off and will require regular maintenance of the ground cloth at County expense. But RAU 2A is included in the area to be opened to the public.

In addition the Oct 14 presentation does not acknowledge that the FBI firing range has been adding contamination to Camp Bonneville for the past 10 years. This contamination must also be cleaned up before the Dept of Ecology can certify the cleanup as "complete".

Diana Sermone
360 892 2674

Tina Redline

From: Kathleen Otto
Sent: Tuesday, October 13, 2020 10:25 AM
To: Tina Redline; Rebecca Messinger
Subject: FW: Camp Bonneville Work Session Oct. 14, 2020 (Important factors)



Kathleen Otto
County Manager

564-397-2458



From: Gary Medvigy <Gary.Medvigy@clark.wa.gov>
Sent: Tuesday, October 13, 2020 9:49 AM
To: Kathleen Otto <Kathleen.Otto@clark.wa.gov>; Emily Sheldrick <Emily.Sheldrick@clark.wa.gov>; Eileen Quiring O'Brien <Eileen.QuiringOBrien@clark.wa.gov>
Subject: Fwd: Camp Bonneville Work Session Oct. 14, 2020 (Important factors)

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From: Karen Kingston <karenkingston@q.com>
Sent: Tuesday, October 13, 2020 12:13:12 AM
To: Eileen Quiring O'Brien <Eileen.QuiringOBrien@clark.wa.gov>; Temple Lentz <Temple.Lentz@clark.wa.gov>; Julie Olson <Julie.Olson2@clark.wa.gov>; John Blom <John.Blom@clark.wa.gov>; Gary Medvigy <Gary.Medvigy@clark.wa.gov>; Scott Jackson <Scott.Jackson@clark.wa.gov>
Subject: Camp Bonneville Work Session Oct. 14, 2020 (Important factors)

CAUTION: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Councilors,

I attempted to send the following message to you and 'CAPTCHA validation error' was not feeling well and failed to send the following message to you.

I have added in parenthesis my additional comments.

Please submit the following (for consideration during the Camp Bonneville work session meeting):

1. April 20, the U.S. Supreme Court ruled that CERCLA does not preclude claims under state laws for further cleanup of contaminated sites. Two fold/resident groups may now sue. (Clark Co is liable at Camp Bonneville).
 2. Continued contamination of federal BRAC trans. sites? (There have been several challenges, resulting in out of court settlements. In 2008 in-house reports were generated stating Clark County would most likely bankrupt if liability cases from Camp Bonneville were brought forward. Interesting enough, this is even if you sold this site. This Base is not going to be treated in court like a "contaminated property".)
 3. Water and test wells require formal re-evaluation. (Test well's were located due to reuse "not newly revised construction", this would be on CC's public dime.)
 4. CB req's public participation. (All closed BRAC sites fall under this scrutiny, not only for federal regulation but for CC's protection. And there are rules about where and who that Public is.)
 5. Why haven't you contacted your local former RAB co-chair to understand closure/obstacles? (I have offered in the past to assemble a small learned and civil group of RAB members merely to share background, challenges, why we fought Closure under the first offer whereby the Army was giving CC a small dowry and very little clean up. Spoiler alert: Our defense gained CC millions and much more cleanup coverage, and offer reliable ideology as you consider the future planning of Camp Bonneville.)
- (There is a plethora of additional information available to you and a better understanding for assessing risks, limitations, alternatives and uncertainties. It is possible, after Marc Boldt's comments, that the public participants of that era hold more documents and legal correspondence than CC and that's not good.)

Karen Kingston (My husband and I have been Clark County residents for 39 years, and from 1986-2020 we've lived 1000 feet from Camp Bonneville's main gate .)

CB-BRAC/RAB Co-Chair (I sat as RAB co-chair when it was a DoD committee and later an Army committee, I served on CB Park Planning, and from 1986 - 1994 I worked with Camp Bonneville commanders to set up public advocacy helping the Army with its Good Neighbor Policies, and creating a flight plan for aeronautical ingress/egress.)

Oct. 7, 2020

cc'd: Council; County Mgr

Rebecca Messinger

From: David McDonald <david@mcdonaldpc.com>
Sent: Wednesday, October 7, 2020 7:26 AM
To: Rebecca Messinger
Subject: Public Comment--Please forward to the Council for today's Council Time

CAUTION: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council:

For over 3 decades I have joined literally thousands, if not scores of thousands, of Clark County citizens in making public comment at a variety of public hearings in front of a variety of elected or appointed Councils/Commissioners/Boards. During those decades, the quick and ready availability of comments from the public has been a cornerstone of the public debate. The public comment has either been made available in advance, if written comments were made, or available at the hearings. It is now my understanding, made a little clearer yesterday during Councilor Comments Time, that these public comments being made are not readily available but are "archived" in the file and the mechanism for obtaining them is through a public records request.

A public records request is cumbersome on a number of levels and can require payment for those records. It seems that this procedure undermines the purpose of public comment (i.e. the comment is public both for the benefit of the Councilors and for the public in general so everyone knows what others may be saying about issues that are facing the County and Council).

It seems that there is a very simple and easy solution to this lack of transparency and that is to take the public comment, scan it and place it on the Grid with all other materials. Currently, that is being done by the Buildable Lands Advisory Committee. Here is the statement from the BLAC website:

Public comments play an important role in shaping policies and regulations. The county wants to hear your comments:

- Send project staff an email at: jose.alvarez@clark.wa.gov
- Mail your comments to: Community Planning, Buildable Lands program, P.O. Box 9810, Vancouver, WA 98666-9810

Also, if you go to this link, you will see that all the public comments are posted and available with a click of the mouse ---
----<https://clark.wa.gov/community-planning/buildable-lands-project-advisory-committee>

So, regardless of what form your meetings are taking due to the CoVid pandemic, it seems a smart, easy and simple solution to make all written public comment readily available. I hear the word "transparency" a LOT at Council hearings and meetings and think this easily broadens your transparency with little or no cost. As an aside, making these comments readily available on the Grid would potentially save our public Records staff hours of work in satisfying multiple requests for the same materials.

I hope that the Chair was serious and sincere about taking up this issue.

Thank you for your considerations.

* Best,

David T. McDonald
Ridgefield, WA 98642
david@mcdonaldpc.com
Licensed to practice in state and federal courts in Oregon and Washington